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October 2, 2001

450-03801-190

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Department of the Navy
Southwest Division BRAC Office
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Subject: Comments on Revised Draft Petroleum Hydrocarbon Soil and Groundwater Sampling Plan, Parcels C, D, and E, Hunters Point Shipyard

Dear Mr. Mach:

City staff has reviewed the subject document and have the following comments. Our comments can be divided into two categories: 1) concerns over the Navy's scientific justifications for the selection of cleanup goals and 2) implications for the City in having to enforce institutional controls as a result of these cleanup goals.

Concerns over the Navy's Scientific Justifications

The Navy has chosen two soil cleanup criteria, 3,500 ppm and mobile free phase hydrocarbons. The exact scientific justification for these numbers is not clear. It is also not clear whether these numbers are health-based risk numbers or cleanup numbers for the protection of groundwater. The confusion stems from different information in this document, the Parcel B CAP, the minutes of the June 13, 2001, meeting and the transmitting e-mail of July 24, 2001.

In the subject document, the 3,500 ppm number is justified as having been calculated in a worker risk assessment that was done for the Presidio. If that is correct and 3,500 ppm is the number required for worker protection, then the 3,500 ppm number needs to be applied anywhere that construction workers will be in contact with soil. Has an analysis been done to show that workers will not be in contact with soil below four feet? Or that the time of contact with soil below four feet will not increase the risk? We need to have the scientific justification for why a four-foot depth will be acceptable for construction workers. Another concern about using a risk assessment from the Presidio is the difference in site conditions between Hunters Point Shipyard and the Presidio. Isn't a Presidio risk assessment inappropriate for Hunters Point Shipyard because of the difference in site conditions? At a minimum, the Presidio risk assessment should be attached as a reference.

In the Parcel B CAP, the justification for the 3,500 ppm number was for protection of groundwater and the Bay. The Parcel B CAP stated that 14,000 was selected as a saturation concentration based on the work done for the San Francisco Airport. Since Hunters Point Shipyard site conditions are not the same as San Francisco Airport, a safety factor of 4 was applied to get to 3,500 ppm number. This safety factor was also used to account for any soils next to an artificial pathway to the Bay and to make sure the soils don't leach contaminants.

What is the scientific justification for the 3,500 ppm, is it a construction worker health risk number? Is it a groundwater and Bay protection number? Please provide more details.

Concerns over Enforcement of Institutional Controls

In the subject document the Navy proposes, in industrial areas, establishing two different soil cleanup criteria within the top ten feet of soil. As we have stated in comments on previous drafts of this document, we are concerned that maintaining these cleanup goals through institutional controls will be difficult if not impossible.

Brad Job, until recently the project manager from the RWQCB, stated in emails and at meetings that the City might not be required to maintain these two petroleum cleanup levels in industrial areas (0-4 feet = 3,500 ppm and no free phase below 4 feet). The reason being that "TTPH is a nuisance concern and not a risk issue" (June 13 minutes). They may allow the City to develop the industrial areas without having to segregate soils within the first ten feet, only those below ten feet bgs. The only criteria that the RWQCB would apply to the City would be the criteria to not create a nuisance condition, by not allowing any soil with gross visual contamination or significant odor to be placed in the top four feet. His contention was that once the Navy had cleaned up all the CERCLA contaminants and the first four feet of soil to 3,500 ppm of TTPH, that any future mixing of soils within the 0 to 10 foot range would not create a health risk. While we are encouraged that this may be a compromise to having to enforce and maintain a 0 to 4-foot cleanup level, we are concerned that implementation might be difficult. Or worse yet, that in the future RWQCB would change its mind and insist that the 0 to 4 foot 3,500 ppm level must be maintained. Therefore, the City would need written assurance from the RWQCB that this 3,500 ppm would not have to be maintained or else it can not support this split cleanup level and would request a single cleanup number for the 0 to 10 foot range.

Under the Navy's current proposal, the City is facing up to five (5) unique depth-based soil criteria that will have to be maintained in perpetuity. These criteria in industrial areas for parcels C, D and E include 1) one petroleum concentration in the 0 to 4-foot areas (3,500 ppm); 2) a different petroleum concentration in the 4 to 10-foot areas (no free phase); 3) a set of CERCLA hazardous substance concentrations in the 0 to 2-foot Buffer Zone areas; 4) another set of CERCLA hazardous substance concentrations in the 0 to 4-foot ecological protection areas; and 5) another set of CERCLA hazardous substance concentrations in the 0 to 10-foot areas.

Unless written assurance from the RWQCB is produced, the City's preference is for one soil cleanup criteria each for petroleum and CERCLA substances for the 0 to 10-foot depth range. The complexity of enforcing and maintaining one depth-based soil remediation scheme is daunting. It is not practical to redevelop the site while maintaining five different depth-based

criteria. To alleviate this impractical situation, it only makes sense to establish a consistent depth of 0 to 10 feet for both petroleum and CERCLA substances.

The City is available to meet and discuss our comments in order to reach a mutually acceptable resolution to these issues.

Sincerely,

A. Don Capobres
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